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Paper 25  
Entered: February 5, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Human Genome Sciences Inc.,  
Junior Party  
(Application 11/537,681,  
Inventors: Ying-Fei Wei, Brent L. Kreide, and  
Craig A. Rosen),

v.

Schering Corporation,  
Senior Party  
(Patent 6,723,520,  
Inventors: Wei Wang, Kurt C. Gish, Thomas J. Schall,  
Alain Vicari, and Albert Zlotnik).

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Patent Interference 105,697 (RES)  
Technology Center 1600

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Before: RICHARD E. SCHAFFER, JAMESON LEE and  
RICHARD TORCZON, *Administrative Patent Judges*.

SCHAFFER, *Administrative Patent Judge*.

Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)

1 Schering filed a paper abandoning the contest. Paper 22. An  
2 abandonment of the contest is construed as a request for entry of adverse  
3 judgment. 37 C.F.R. § 41.127(b)(4).

4 Accordingly, it is

5 ORDERED that judgment on priority as to the subject matter of  
6 Count 1 (Paper 1, p. 3), is awarded against Patent 6,723,520;

7 FURTHER ORDERED that claims 1-22 of Patent 6,723,520,  
8 corresponding to Count 1, are cancelled (35 U.S.C. § 135(a));

9 FURTHER ORDERED that a copy of this judgment be made of  
10 record in the files of Patent 6,723,520 and Application 11/537,681, and

11 FURTHER ORDERED that if there is any settlement agreement or  
12 related documents which have not been filed, attention is directed to  
13 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/Richard E. Schafer/ )  
RICHARD E. SCHAFER )  
Administrative Patent Judge )

/Jameson Lee/ )  
JAMESON LEE )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

/Richard Torczon/ )  
RICHARD TORCZON )  
Administrative Patent Judge )

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